

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS**

MARSHALL DIVISION

PAID SEARCH ENGINE TOOLS, LLC §
Plaintiff §

V. §

GOOGLE, INC., ET AL. §
Defendants §

No. 2:11CV306

ORDER

The above-referenced cause of action was referred to the undersigned United States Magistrate Judge for pre-trial purposes in accordance with 28 U.S.C. § 636. The following pending motion is before the Court: Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction (Docket Entry # 12). Contemporaneously with this Order, the Court has granted Plaintiff Paid Search Engine Tools, LLC's Unopposed Motion to Stay Litigation Under 35 U.S.C. §318 Pending Patent Reexamination, staying the above-entitled and numbered cause of action until completion of the reexamination of United States Patent No. 7,974,912 currently pending in the United States Patent & Trademark Office.

Considering the stay of the case and in an effort to efficiently manage the docket in this case, the Court *sua sponte* denies without prejudice to refiling the motion. Defendants have in no way waived their positions set out in the motion to dismiss, and they may refile the motion to dismiss once the stay is lifted. Based on the foregoing, it is

ORDERED that Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction (Docket Entry # 12) is **DENIED WITHOUT PREJUDICE TO REFILING**. It is further

ORDERED that the April 17, 2012 management conference is hereby **CANCELLED**.

SIGNED this 10th day of April, 2012.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE